

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 3
FOR THE REGULAR MEETING OF
TUESDAY, AUGUST 10, 2004 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTION:

ITEM-S500: Agreement to Assure Road Improvements with LNR Kearny Mesa, Inc. (LNR); and Cooperative Agreement with the State of California for Phase I of Clairemont Mesa Boulevard/State Route (SR)-163 Improvements Project.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-177)

Authorizing the City Manager to execute an Agreement to Assure Road Improvements with LNR (Implementation Agreement), in furtherance of LNR’s obligations under the Development Agreement, under the terms and conditions set forth in the Implementation Agreement;

Authorizing the City Manager to enter into a cooperative agreement with the State of California for Phase I of the Interchange;

Authorizing the addition of CIP-52-7450, Clairemont Mesa Boulevard/SR-163 Improvements Project, to the Fiscal Year 2005 Capital Improvements Program;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTION: (Continued)

ITEM-S500: (Continued)

Authorizing the acceptance of \$191,000 into Fund 63022, Developer Contribution, from LNR;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvements Program budget by appropriating \$191,000 from Fund No. 63022, Developer Contribution, into CIP-52-745.0, Clairemont Mesa Boulevard/SR-163 Improvements Project;

Authorizing the expenditure of an amount not to exceed \$191,000 from CIP-52-745.0, Clairemont Mesa Boulevard/SR-163 Improvements Project, for the purpose of City of San Diego to review, oversee, and coordinate with Caltrans for Phase I of the Interchange, contingent upon the City Auditor and Comptroller certifying that funds are on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On December 2, 1997 the City entered into a Development Agreement with General Dynamics, Inc. with an amendment to the Agreement approved on October 16, 2000, both on file in the City Clerk's office. Subsequently, LNR, as the successor to General Dynamics, has assumed all the responsibility of the terms of the Development Agreement. Various provisions of the Development Agreement obligates LNR to fund, design and/or construct all or a portion of several infrastructure improvements. One of the infrastructure improvements includes the Clairemont Mesa Boulevard/SR-163 Improvement project, which is to be constructed in two phases. Phase I consists of bridge widening and ramp realignment on the eastern side of the Interchange. Phase II consists of ramp realignment on the western side. In accordance with the Development Agreement, LNR's obligations are limited to Phase I only.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTION: (Continued)

ITEM-S500: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

These actions would facilitate the design of the project and provide funding (Letter of Credit) from LNR to construct Phase I and fulfills one of LNR's obligations specified in the Development Agreement. In addition, to coordinate the design of the project with the State of California and pursuant to State and Highway Code Section 130, the State of California and City of San Diego are authorized to enter into a cooperative agreement. The cooperative agreement outlines the City of San Diego responsibilities in the development of the engineering plans, specifications, estimates and the State of California oversight of the environmental, design and right of way activities.

Upon the completion of the design of Phase I, Council would be forwarded additional resolutions to approve the construction of Phase 1.

FISCAL IMPACT:

The total cost of Phase I is estimated at \$10,900,000 and is assured by LNR through the letter of credit. An amount not to exceed \$191,000, is being provided by LNR per the terms of the agreement, for City of San Diego staff charges of the review, oversight and coordination with Caltrans for Phase 1.

Mendes/Boekamp/DZ